

**Great Lakes Pilotage Advisory Committee  
Bylaws**

**ARTICLE I      AUTHORITY**

As provided for in 46 United States Code, section 9307, the Great Lakes Pilotage Advisory Committee is established and shall operate in accordance with the provisions of the *Federal Advisory Committee Act* (Title 5, United States Code, Appendix).

**ARTICLE II      PURPOSE**

The Great Lakes Pilotage Advisory Committee makes recommendations to the Secretary on matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies.

**ARTICLE III      MEMBERSHIP AND MEMBER RESPONSIBILITIES**

The Committee shall consist of seven members appointed by and serving at the pleasure of the Secretary of Homeland Security upon recommendation by the Coast Guard Commandant. With the exception of members appointed under Article III, Section 1(e) members are appointed as Representative members. Each member shall have at least five years of practical experience in maritime operations except as noted in Section 1(e) below. As specified in 46 U.S.C. § 9307(b), the membership of the Committee shall include:

**Section 1.      Composition.**

- a. The President of each of the three Great Lakes Pilotage districts, or the President's representative;
- b. One member representing the interests of vessel operators that contract for Great Lakes Pilotage services;
- c. One member representing the interests of Great Lakes ports;
- d. One member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and
- e. One member with a background in finance or accounting, who—
  1. must have been recommended to the Secretary by a unanimous vote of the other members of the Committee, and
  2. may be appointed without regard to the requirement that each member have five years of practical experience in maritime operations.

**Section 2. Appointment.**

- a. Members of the Committee, including those members appointed to fill an unexpired term, are appointed by and serve at the pleasure of the Secretary of Homeland Security upon the recommendation of the Coast Guard Commandant.
- b. Members of Great Lakes Pilotage Advisory Committee, with the exception of members appointed in Article III, Section 1(e) are appointed as Representative members.
- c. A member appointed under Article III, Section 1(e) will be considered a Special Government Employee as defined in section 202 (a) of Title 18, United States Code. A Special Government Employee member is subject to Federal conflicts of interest laws and Government-wide standard of conduct regulations and must annually file financial disclosure reports and complete required ethics training.
- d. Appointments are personal to the member and cannot be transferred to another individual. Members may not designate someone to attend in their stead, participate in discussions, or vote.

**Section 3. Terms of Office.**

- a. The cohort of representatives described in Article III, Section 1(a) shall serve terms running concurrently with their terms as president of their respective pilotage associations.
- b. The cohort of representatives described in Article III, Section 1 (b) – (d) shall serve three-year terms, and may be appointed to additional terms as per the process identified in Article III, Section 2.
  - i. These terms shall be staggered so that approximately one-third of the members' terms expire each year.
  - ii. Individuals may be reappointed to one additional term, serving not more than six consecutive years.
- c. The individual described in Article III, Section 1 (e) shall serve a five year term, and may be appointed to additional terms with the approval of the Secretary of the Department of Homeland Security.
- d. A member appointed to fill an unexpired term shall serve the remainder of that term.
- e. In the event the Committee terminates, all appointments to the Committee shall terminate.

**Section 4. Certification of Non-Lobbyist Status.**

A Great Lakes Pilotage Advisory Committee member appointed in Article III, Section 1(e) is someone appointed in their individual capacity and is designated as Special Government Employee as defined in 202(a) of Title 18, U.S.C. Registered lobbyists are not eligible to serve on federal advisory Committees in their individual capacity- see "Revise Guidance Notice (79 FR 47482, August 13, 2014). Special Government Employee member of the Great Lakes Pilotage Advisory Committee may not be registered lobbyists. If at any time after appointment, a Great Lakes Pilotage Advisory Committee Special Government Employee member registers as a Federal lobbyist with the Secretary of the U.S. Senate or with the Clerk of the House Representatives, he or she must immediately inform the Designated Federal Officer. Also, before October 1st of each year, Special Government Employee member of the Great Lakes Pilotage Advisory Committee appointed on or before September of that year must (1) complete and sign the Department of Homeland Security Declaration Regarding Lobbyist Status form certifying that he or she is not registered as a Federal lobbyist or (2) inform the Designated Federal Officer that he or she does not qualify to complete the form. Great Lakes Pilotage Advisory Committee Special Government Employee member must submit this Declaration to the Designated Federal Officer. Special Government Employee member who register as a lobbyist after the appointment or reappointment to the Great Lakes Pilotage Advisory Committee will be replaced. The Designated Federal Officer will assure that Special Government Employee candidate for appointment is not lobbyist registered under 2 U.S.C. 1602 who is required by 2 U.S.C. 1603 to register with the Secretary of the Senate and Clerk of the House Representatives.

**Section 5. Security Clearances. Not applicable**

**Section 6. Members' Responsibilities.**

- a. Member attendance and participation at meetings is vital, because the membership of the Great Lakes Pilotage Committee is constructed to balance as many aspects and viewpoints of the industry as possible. Members are expected to personally attend and participate at Committee meetings or participate via telephone or video conference. The Designated Federal Officer may notify the Commandant of the Coast Guard to recommend to the Secretary that any member who is unable to fulfill their responsibility be replaced.
- b. Members of the Committee may be recommended for removal for reasons such as, but not limited to:

1. Missing two consecutive meetings without a reason that is acceptable to the Designated Federal Officer, or not participating in the Committee's work;
2. Engaging in activities that are illegal or violate the restrictions on members' activities as outlined in Article III, Section 6.

**Section 7. Restriction on Members' Activities.**

- a. Members may not use their access to the Federal Government as a member of this Committee for the purpose of soliciting business or otherwise seeking economic advantage for themselves or their companies. Members may not use any non-public information obtained in the course of their duties as a member for personal gain or for that of their company or employer. Members must hold any non-public information in confidence.
- b. The Committee as a whole may advise the agency on regulations concerning Great Lakes Pilotage and relevant regulatory actions. In their capacities as members of the Great Lakes Advisory Committee, individual members may not petition or lobby Congress for or against particular legislation or encourage others to do so.
- c. Members of the Great Lakes Pilotage Advisory Committee are advisors to the Agency and have no authority to speak for the Committee, the United States Coast Guard, the Department of Homeland Security, or for the United States Government outside the Committee structure.
- d. Members may not testify before Congress in their capacity as a member of the Great Lakes Advisory Committee. If requested to testify before Congress, members of the Committee:
  1. Cannot represent or speak for the Committee, the Department, any agency, or the Administration in their testimony;
  2. Cannot provide information or comment on Committee recommendations that are not yet publicly available;
  3. May state they are a member of the Committee; and,
  4. May speak to their personal observations as to their service on the Committee.
- e. If speaking outside the committee structure at other forums or meetings, the restrictions in Article III, Section 6(d) also apply.

## **ARTICLE IV      OFFICIALS**

### **Section 1.    Chairperson and Vice Chairperson.**

- a. One of the members of the Committee is elected as the Chairperson and Vice-Chairperson by the Committee every two (2) years. Elections may be held either in a public meeting or during an administrative session. No later than six months prior to the end of the incumbent's term of office, the Great Lakes Pilotage Advisory Committee must have recommendations with primary and alternate candidates.
- b. In the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson, the Vice Chairperson will act as Chairperson for the remainder of the two (2) year period.
- c. The Chairperson's duties shall include, but are not limited to:
  1. Coordinate with the Designated Federal Officer to prepare an agenda for approval by the Designated Federal Officer prior to a meeting of the Committee and/or its subcommittees.
  2. Inform the Designated Federal Officer in establishing the priorities of the Committee.
  3. Conduct each meeting in general accordance with Roberts' Rules of Order, provide an opportunity for participation by each member and by any interested public attendee, ensure adherence to the agenda, and maintain order. After the meeting conclusion, the Chair will prepare all recommendations for submission to the Coast Guard and certify the minutes within 90 days.

### **Section 2.    Designated Federal Officer.**

- a. The Designated Federal Officer serves as the Secretary's agent for all matters related to the Great Lakes Pilotage Advisory Committee and is appointed by the Director of Marine Transportation Systems, United States Coast Guard. In accordance with the provisions of the Federal Advisory Committee Act, the Designated Federal Officer must:
  1. Approve or call meetings of the Committee and its subcommittees;
  2. Approve agendas for Committee and subcommittee meetings;
  3. Adjourn meetings he or she is attending when such adjournment is in the public interest; and,
  4. Approve establishment of subcommittees, designate a member of the Great Lakes Pilotage Advisory Committee to chair the



- subcommittee, approve the subcommittee's membership, and provide the subcommittee task statement.
5. Chair Meetings of the Committee when directed to do so by the Director of Marine Transportation Systems, United States Coast Guard.
  6. Designate an individual to carry out the duties and responsibilities of the Alternate Designated Federal Officer.
- b. The Alternate Designated Federal Officer is responsible for assuring administrative support functions are performed, including the following:
1. Carrying out the duties and responsibilities of the Designated Federal Officer in the Designated Federal Officer's absence at a committee meeting;
  2. Notifying members of the time and place of each meeting;
  3. Provide tasking to the Committee on matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies.
  4. Tracking all recommendations of the Committee;
  5. Maintaining the record of members' attendance;
  6. Determining the time and method of election of the Chairperson and Vice Chairperson of the Committee;
  7. Preparing the minutes of all meetings of the Committee's deliberations, including subcommittee and working group activities;
  8. Attending to official correspondence;
  9. Maintaining official records, applications for appointments, and filing all papers and submissions prepared for or by the Committee, including those items generated by subcommittees and working groups;
  10. Reviewing and updating information on Committee activities in the Shared Management System (aka, the Federal Advisory Committee Act database) on a monthly basis;
  11. Acting as the Committee's agent to collect, validate and pay all vouchers for pre-approved expenditures; and
  12. Preparing and handling all reports, including the annual report as required by the Federal Advisory Committee Act.

## **ARTICLE V      MEETING PROCEDURES**

Public meetings are the prescribed forum in which the Great Lakes Pilotage Advisory Committee conducts business, engages in discussion and officially receives and responds to tasking issued by the Designated Federal Officer. As such, meetings shall be formally structured and shall be conducted in accordance with the requirements of the Great Lakes Pilotage Advisory Committee Charter and Great Lakes Pilotage Advisory Committee Bylaws at all times.

### **Section 1.    Meeting Schedule and Call of Meetings.**

- a. The Great Lakes Advisory Committee shall meet at least once each calendar year. Meetings may be held at the call of the Designated Federal Officer or a majority of the Committee. The Designated Federal Officer and/or Alternate Designated Federal Officer must attend each meeting of the Committee.
- b. All meetings of the Committee and subcommittees must be approved in advance by the Designated Federal Officer.

### **Section 2.    Agenda.**

Agendas for each Committee meeting shall be developed by the Designated Federal Officer in consultation with the Committee Chair. Once the agenda has been approved by the Designated Federal Officer, the Designated Federal Officer will be responsible for distributing the final agenda to the Committee. The Designated Federal Officer will also be responsible for ensuring that for each meeting the agenda is published in the *Federal Register* a minimum of 15 calendar days before the meeting date.

### **Section 3.    Quorum.**

A quorum is all but one of the appointed members of the Committee. After taking roll call at the beginning of each meeting the Designated Federal Officer will determine if a quorum exists. If a quorum does not exist, the meeting may continue but no action may be taken by the Committee or the meeting may be cancelled at the discretion of the Designated Federal Officer.

### **Section 4.    Voting Procedures**

Any recommendations to the Secretary must have been approved by at least by all but one of the members serving on the Committee. Any Subcommittee report or recommendation presented to the Committee for

Committee's approval must be made available to the public in advance of a Committee meeting and must be discussed by the Committee during the meeting. Only Committee members present at the meeting may vote on an item under consideration. No proxy votes will be allowed. All votes must be recorded in the minutes of the meeting.

Section 5. Minutes.

The Designated Federal Officer will prepare the minutes of each meeting and distribute copies to each Committee member. Minutes of open meetings will be made available to the public upon request. Minutes of closed meetings will also be available to the public upon request subject to the withholding of matters about which public disclosure would be harmful to the interests of the Government, industry, or others, and which are exempt from disclosure under the Freedom of Information Act.

The minutes will include a record of:

- a. The time, date and place of the meeting;
- b. A list of all attendees including members, staff and the public;
- c. An accurate description of each matter discussed and the resolution, if any, made by the Committee;
- d. Copies of reports or other documents received, issued, or approved by the Committee; and
- e. An accurate description of public participation, including oral and written statements provided.

The Designated Federal Officer assures that the Chairperson or Vice-Chairperson certifies the minutes within 90 calendar days of the meeting to which they relate.

Section 6. Open Meetings.

Unless otherwise determined in advance, all meetings of the Great Lakes Advisory Committee shall be open and announced to the public in a notice published in the *Federal Register* at least fifteen calendar days before the meeting. Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may offer oral comment at such meeting. Meetings will include a period for oral comments unless it is clearly inappropriate to do so. Members of the public may submit written statements to the Great Lakes Advisory Committee. Federal Register notices announcing meetings will inform the public of the procedure for



submitting written statement to the Committee. To submit a written statement, members of the public should provide written statement to the Designated Federal Officer in advance of a Committee meeting or they may present the material to the Committee during the "public comment" portion of the meeting. All materials provided to the Committee will be posted to the Committee's public website and made available to the public when they are provided to the members. Such materials, including any submissions by members of the public, are part of the meeting record.

#### Section 7. Closed Meetings.

All or parts of meetings of the Committee may be closed in limited circumstances and in accordance with applicable law. No meeting may be partially or fully closed unless the Agency head issues a written determination that there is justification for closure under the provisions of subsection (c) of 5 United States Code, 552b, the *Government in the Sunshine Act*. Where the Designated Federal Officer has determined in advance that discussions during a Committee meeting will involve matters about which public disclosure would be harmful to the interests of the government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the *Government in the Sunshine Act*, will be published in the *Federal Register*. The notice may announce the closing of all or just part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the Designated Federal Officer or Chairperson will order such discussion to cease and will schedule it for a future meeting of the Committee that will be approved for closure. No meeting or portion of a meeting may be closed without prior approval and notice published in the *Federal Register* at least 15 calendar days in advance. Closed meetings can only be attended by Designated Federal Officer, Committee members, and necessary agency staff members. Presenters must leave immediately after giving their presentations and answering any questions.

### **ARTICLE VI      EXPENSES AND REIMBURSEMENTS**

US Coast Guard Headquarters, Office of Waterways and Ocean Policy (CG-WWM), and its Great Lakes Pilotage Division (CG-WWM-2), may provide financial support for meetings. All expenditures associated with Committee activities must be approved by the Designated Federal Officer (or Alternate) in advance of being obligated. At the discretion of the Designated Federal Officer, Committee members may be issued Invitational Travel Orders for each official Committee meeting and are entitled to receive reimbursement for travel or transportation expenses under section 5703 of Title 5, United States Code and as noted in the individual orders.

## **ARTICLE VII      ADMINISTRATION**

US Coast Guard Headquarters, Office of Waterways and Ocean Policy, and its Great Lakes Pilotage Division, are responsible for providing administrative support to the Committee. The Designated Federal Officer manages all Committee affairs and will provide the necessary clerical support.

## **ARTICLE VIII     SUBCOMMITTEES**

The Designated Federal Officer may approve establishment of subcommittees for any purpose consistent with this charter. The Designated Federal Officer will assign a Committee member to chair each subcommittee and provide the subcommittee with a task statement and timeline for completing the work. The Designated Federal Officer may also assign a designee from the Coast Guard staff to prepare the task statement and attend each subcommittee meeting to help facilitate and provide any clarification to the members, if needed.

The subcommittee chairperson may designate up to one other member of the Committee to serve on a subcommittee. The subcommittee chairperson will submit the names of the subcommittee membership for the Designated Federal Officer's approval before holding any subcommittee meetings.

The term of service of a subcommittee member shall be established in the subcommittee's task statement. Subcommittees must present their work to the Great Lakes Pilotage Advisory Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the Great Lakes Pilotage Advisory Committee or the Agency and may not report directly to the Federal Government or any other entity.

## **ARTICLE IX       RECORDKEEPING**

The Alternate Designated Federal Officer is responsible for maintaining all records of the Great Lakes Advisory Committee and its formally established subcommittees or other subgroups of the Committee. Records shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. Information provided to the Committee and these records must be available for public inspection and copying, in accordance with the Freedom of Information Act (Title 5, United States Code, section 552).

Applications for appointments shall be maintained by the Alternate Designated Federal Officer and handled in accordance with applicable laws and regulations pertaining to the

Federal Advisory Committee Act Committees, protection of personal identifying information and the Privacy Act.

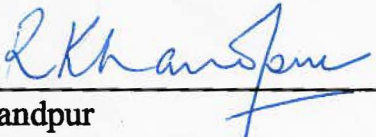
## **ARTICLE X      RECOMMENDATIONS AND REPORTING**

Recommendations and reports received by the Committee from a subcommittee must be fully discussed, deliberated, and voted on in an open meeting. Reports and or recommendations from a subcommittee that have been properly reviewed and accepted by the Committee must be forwarded to the Designated Federal Officer with a cover letter signed by the Chairperson (or Vice-Chairperson) indicating the approval by the Committee and any actions recommended by the Committee.

The Designated Federal Officer shall provide a report to the Committee, during an open meeting, on the status of any recommendations and or reports received by the Committee in the previous two years and what actions have been taken on the recommendations.

## **ARTICLE XI      BYLAWS APPROVAL AND AMENDMENTS**

The Designated Federal Officer may amend these bylaws at any time, and the amendments shall become effective immediately upon approval.

  
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Rajiv Khandpur  
Designated Federal Officer

11/4/2016

Date approved: \_\_\_\_\_